



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

[Handwritten signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,357	11/30/2001	Rintaro Nakatani	S004-4473	5526

7590 07/01/2004
ADAMS & WILKS
31st FLOOR
50 BROADWAY
NEW YORK, NY 10004

EXAMINER

LUU, MATTHEW

ART UNIT	PAPER NUMBER
----------	--------------

2672

DATE MAILED: 07/01/2004

[Handwritten mark]

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,357

Applicant(s)

NAKATANI, RINTARO

Examiner

LUU MATTHEW

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2672

DETAILED ACTION

Drawings

Figures 5A, 5B, 6A, 6B, and 6C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) (Figs. 5A, 5B, 6A, 6B, and 6C).

Regarding claim 1, the admitted prior art (APA) (Fig. 5A) discloses a graphical display adjusting system comprising:

Art Unit: 2672

means for selecting types of data (graph TG and graph DTA) which is an object of a scaling operation by specifying a display area of an index area on a screen by pointing device; and means for scrolling a graph of the type of data by another operation of the pointing device with the index area being specified (Fig. 5A, graph DTA being scrolled upward by dragging operation of the pointing device). See the specification, page 3, lines 1-5.

The only difference between the claimed invention and the APA is that the claim requires "an axis", instead of the index area as disclosed in Figs. 5A and 5B.

However, as defined in Webster's New World Dictionary, 3rd College Edition, "an axis" is a real or imaginary straight line on which an object rotates or is regarded as rotating or a straight line for measurement or reference, as in a graph. Thus, it would have been obvious to a person of ordinary skill in the art to realize that Figs. 5A of the APA clearly shows a scroll bar area as an axis with index numbers 100, 150, and 200 for measurement or references, as in a graph. Thus, the scroll bar with the index area as shown in Fig. 5A can be considered as an axis of a graph.

Regarding claim 2, note the rejection as set forth above with respect to claim 1 above. The only difference between claim 1 and claim 2 is that claim 2 requires "a scaling operation", instead of a scrolling operation. However, Fig. 5B of the APA discloses the "scaling operation".

Art Unit: 2672

Regarding claim 3, note the rejection as set forth above with respect to claims 1 and 2. The APA clearly shows (Figs. 5A and 5B) both of the "scrolling operation" and the "scaling operation". See specification, page 3, lines 1-13.

Regarding claims 4 and 5, the APA (Fig. 5A) the scrolling of data is performed by dragging on the axis display area (the index area).

Regarding claims 8 and 9, the only difference between the claimed invention and the APA is that the claim requires moving the mouse closer to the axis for selecting the type of data. However, the APA shows (Fig. 6A) that the type of graph being selected is to move the mouse closer to the desired graph for performing graph selecting function. It would have been obvious to the person of ordinary skill in the art to recognize that it is an obvious variation as to whether move a cursor closer to the graph or to the axis for performing graph selecting function, since either way would provide the same function for selecting a graph.

Furthermore, the APA (Fig. 6C) discloses that the type of data can be selected by moving the cursor to either the scroll bar (S) or the scale bar (P) for selecting a corresponding data type, and scrolling or scaling can be performed by the mouse click-and-drag operation (see specification, page 2). Thus, the scroll bars (S) and the scale bars (P) can also be considered as the axes of the graphs (TG and DTA).

Art Unit: 2672

Regarding claims 10 and 11, note the rejection as set forth above with respect to claims 8 and 9.

Regarding claim 12, note the rejection as set forth above with respect to claim 1. Furthermore, as to the means for temporarily eliminating a graph of an unnecessary type of data from the screen, by looking at Fig. 5A of the APA, the person of ordinary skill in the art would recognize that the graph (DTA) can be eliminated by keep scrolling the DTA graph upward by keep dragging the mouse on the index area.

Claim Rejections - 35 USC § 103

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (APA) (Figs. 5A, 5B, 6A, 6B, and 6C) as applied to claims 1-2 above, and further in view of Watanabe et al (6,411,274).

Regarding claims 6-7, the only difference between the APA and the claimed invention is that the claims require enlarging an image by rotating a wheel.

However, Watanabe et al discloses (Figs. 5 and 6) enlarging an image by rotating a wheel. See column 6, lines 4-11. It would have been obvious to the person of ordinary skill in the art to use the mouse with rotating wheel for enlarging/reducing an image on a display screen, as taught by Watanabe et al, to provide a more convenient and faster way to enlarge/reduce an image without

Art Unit: 2672

performing the trouble some of dragging the mouse back and forth on the mouse pad.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Chang et al (6,292,170) disclose designing compound force sensations for computer applications, wherein a graphical representation of the characterized force sensation is displayed.

-Kahn (5,581,678) discloses an electronic spreadsheet system includes an intelligent graphing module for automatically selecting a graph type based on a user's own data. See the Abstract.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (703) 305-4850. The examiner can normally be reached on 9 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAZAVI MICHAEL can be reached on (703) 305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a stylized flourish at the end.

**MATTHEW LUU
PRIMARY EXAMINER**